



General Assembly

**Amendment**

January Session, 2007

LCO No. 9437

**\*SB0134109437HDO\***

Offered by:

REP. SAYERS, 60<sup>th</sup> Dist.  
REP. O'BRIEN, 24<sup>th</sup> Dist.  
SEN. DEFRONZO, 6<sup>th</sup> Dist.  
REP. ZALASKI, 81<sup>st</sup> Dist.  
REP. MAZUREK, 80<sup>th</sup> Dist.

REP. ARESIMOWICZ, 30<sup>th</sup> Dist.  
REP. GERAGOSIAN, 25<sup>th</sup> Dist.  
REP. TERCYAK, 26<sup>th</sup> Dist.  
REP. BOUKUS, 22<sup>nd</sup> Dist.  
SEN. CALIGIURI, 16<sup>th</sup> Dist.

To: Subst. Senate Bill No. 1341

File No. 352

Cal. No. 679

(As Amended)

**"AN ACT CONCERNING APPLICATION FOR A CERTIFICATE OF  
PUBLIC CONVENIENCE AND NECESSITY AND PROTECTING  
PUBLIC WATER SUPPLIES FROM CONTAMINATION."**

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- 1 After the last section, add the following and renumber sections and  
2 internal references accordingly:
- 3 "Sec. 501. (*Effective from passage*) (a) Notwithstanding any provision  
4 of chapter 474 of the general statutes or the regulations of Connecticut  
5 state agencies, the city of New Britain may change the use of its water  
6 company owned class I and class II lands to allow for the lease of  
7 approximately 131.4 acres, more specifically described as 0 Biddle Pass  
8 in the town of Plainville, provided such lease is part of a contract to  
9 which the city of New Britain is a party and the contract includes  
10 provisions to accomplish the following:

11 (1) The lease and subsequent use of such land effectuates an  
12 increase in the future safe yield of a pure and adequate supply of  
13 drinking water for the city of New Britain and the surrounding area  
14 served by the city.

15 (2) By the conclusion of the lease, the person or entity to which such  
16 land is leased prepares the site for a public drinking water reservoir  
17 that is capable of supplying an adequate safe yield of public drinking  
18 water consistent with the most recently approved water supply plan,  
19 and the surrounding land for reforestation, including the planting of a  
20 sufficient number of trees on the portions of the site that are not to be  
21 used as a public drinking water reservoir in order to facilitate  
22 reforestation.

23 (3) The extraction of stone or other material from such land or any  
24 adjacent land is a sufficient distance from residential homes as to  
25 prevent unreasonable disruption of residential use.

26 (4) Such lease is for a term of forty years or less.

27 (5) Any conveyance of land immediately adjacent to the 131.4 acres,  
28 more specifically described as 0 Biddle Pass in the town of Plainville,  
29 shall contain appropriate deed restrictions sufficient to maintain a  
30 forested buffer of not less than 1000 feet measured from the quarry  
31 zone line.

32 (b) The contract authorized by subsection (a) of this section shall not  
33 be executed by the city of New Britain until the following have  
34 occurred:

35 (1) An environmental evaluation has been conducted by an  
36 independent third party approved by the Department of Public Health  
37 for the purpose of evaluating the potential impact on the purity and  
38 adequacy of the existing and future public water supply, and the  
39 Department of Public Health has reviewed such evaluation for the  
40 purpose of providing the New Britain Water Department with  
41 guidance concerning the suitability of the best management practices

42 identified in the environmental evaluation for the protection of the  
43 public water supply and the public health. Such evaluation shall  
44 include, but not be limited to, an analysis of the (A) likely  
45 environmental impacts of such change of use on local hydrology,  
46 forest ecology and wetlands systems; (B) long term water supply needs  
47 for the city of New Britain as well as interconnected and reasonably  
48 feasibly interconnected water companies in the general geographic  
49 region surrounding the areas supplied by the city of New Britain's  
50 water reservoir system; (C) likely safe yield increase to the city of New  
51 Britain's water reservoir system that could be supplied by such change  
52 of use; (D) impact on raw reservoir water quality that is likely to occur  
53 from such change of use; (E) procedures and steps that are available to  
54 minimize environmental impacts from the proposed change of use,  
55 including offsets attributed to the conveyance of land immediately  
56 adjacent to the 131.4 acres, more specifically described as 0 Biddle Pass  
57 in the town of Plainville; and (F) a summary conclusion comparing the  
58 environmental impacts as well as potential water supply benefits from  
59 such change of use.

60 (2) The Departments of Environmental Protection and Public Utility  
61 Control have had ninety days from the date of completion of the  
62 environmental evaluation to provide comments on such evaluation to  
63 the Department of Public Health.

64 (3) The Department of Public Health has approved the provisions in  
65 the lease relating to said department's jurisdiction over and duties  
66 concerning water supplies, water companies and operators of water  
67 treatment plants and water distribution systems. The Department of  
68 Public Health shall not approve such lease provisions unless the city of  
69 New Britain has demonstrated, to the satisfaction of the department,  
70 through the environmental evaluation conducted in accordance with  
71 subdivision (1) of this subsection, that such contract and lease will not  
72 have a significant adverse impact upon the present and future purity  
73 and adequacy of the public drinking water supply and will provide for  
74 an additional source of water consistent with the water supply plan of  
75 the city of New Britain and projected future water supply needs of the

76 region served by said city.

77 (4) The Commissioner of Public Health has held a public hearing to  
78 solicit public comment on the environmental evaluation conducted in  
79 accordance with subdivision (1) of this subsection not later than thirty  
80 calendar days after receiving the environmental evaluation. Said  
81 commissioner shall give at least fifteen days' notice by publication in  
82 the Connecticut Law Journal of its intended action and shall accept  
83 public comments for not less than fifteen days after the conclusion of  
84 the public hearing.

85 (5) The mayor of the city of New Britain has proposed said lease and  
86 contract to the Common Council of said city.

87 (A) No later than thirty days prior to the submission of such lease  
88 and contract proposal to the Common Council, the mayor of the city of  
89 New Britain has conducted a public hearing at which said mayor hears  
90 the opinion of any person wishing to speak on the merits of the  
91 proposed lease and contract. No later than thirty days prior to said  
92 hearing, said mayor has caused a notice of such hearing to be  
93 published in a newspaper of general distribution in the city of New  
94 Britain and mailed notice to all persons residing within one mile of any  
95 part of the land to be conveyed. Said public hearing shall be held in the  
96 city of New Britain at a location within one mile of any part of the land  
97 to be conveyed.

98 (B) After such public hearing said mayor shall recommend to the  
99 Common Council of said city approval or disapproval of the lease and  
100 contract.

101 (C) Said mayor has submitted the lease and contract proposal to the  
102 legislative bodies of the city of New Britain and the town of Plainville,  
103 the inland wetland commissions of the city of New Britain and the  
104 town of Plainville, the City Plan Commission of the city of New Britain  
105 and the Planning and Zoning Commission of the town of Plainville.

106 (6) All appropriate authorities in the town of Plainville have

107 approved the proposed use of said land.

108 (7) The inland wetland commission and the City Plan Commission  
109 of the city of New Britain have conducted a public hearing in  
110 accordance with procedures applicable in said city after receiving the  
111 proposal of the mayor of the city of New Britain in accordance with  
112 subdivision (5) of this subsection, and has voted to approve or reject  
113 the proposal of the mayor of New Britain within sixty days after  
114 receiving it.

115 (8) The Common Council of the city of New Britain has approved  
116 the proposal of the mayor of the city of New Britain which was  
117 submitted in accordance with subdivision (5) of this subsection,  
118 including the lease and contract contained in such proposal. Said  
119 Common Council shall not consider such proposal until the inland  
120 wetland commission and the City Plan Commission of the city have  
121 approved such proposal in accordance with subdivision (7) of this  
122 subsection, and shall not approve said lease and contract after April 1,  
123 2008.

124 (c) Prior to the commencement of any activities on the  
125 approximately 131.4 acres, more specifically described as 0 Biddle Pass  
126 in the town of Plainville, and subsequent to the lessee receiving all  
127 necessary federal, state and municipal approvals to commence  
128 extraction or reservoir development activities on such site, the lessee  
129 shall obtain deed restrictions for a minimum of twice the acreage that  
130 has been approved for extraction activities, which restrictions (1)  
131 prohibit the use and development of such acreage adjacent to such site  
132 for anything other than open space purposes, (2) permanently dedicate  
133 such acreage for land uses such as public parks or forests or natural  
134 areas, including, but not limited to, reservoirs, (3) require such acreage  
135 to be preserved predominantly in its natural scenic and open space  
136 condition that may allow for camping, hiking, forestry, fishing,  
137 wildlife or natural resource conservation, and (4) prohibit all other  
138 building or development except as may be required for source  
139 protection and to meet water quality standards, if used as a public

140 water supply. In the event that the maximum amount of acreage on the  
141 site is approved for mineral extraction, such acreage restricted under  
142 this section shall include a minimum of seventy-five acres adjacent to  
143 the site and located in the town of Southington and, if requested by the  
144 town of Southington, shall be deeded to the town at not cost to the  
145 town; a minimum of ninety-four acres adjacent to the site and located  
146 in the town of Plainville and, if requested by the town of Plainville,  
147 shall be deeded to the town at no cost to the town; and a minimum of  
148 ninety-four acres adjacent to the site and located in the city of New  
149 Britain, inclusive of the reservoir and, if requested by the city of New  
150 Britain, shall be deeded to the city at no cost to the city."